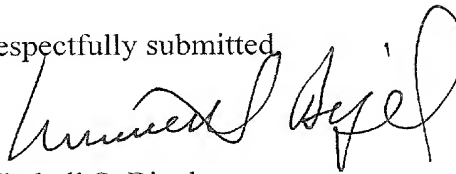


### REMARKS

Applicant appreciates the continued thorough examination by the Examiner in the non-final Official Action of October 14, 2008. Applicant also appreciates the Examiner's indication that all of the previous grounds of rejection have been withdrawn and that Claims 3, 5-7, 10, 12-14, 17, 19-21, 24, 26-28, 31, 33-35, 38 and 40-42 would be allowable if rewritten in independent form. However, all of the remaining claims stand rejected under 35 USC §102(e) as being anticipated by U.S. Patent 6,859,652 to Karabinis et al. Karabinis et al. has a common inventor with the present application, so that the rejection may be overcome by a showing under 37 C.F.R. §1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of the present application and is, thus, not the invention "by another". In response, Applicant is hereby submitting a "Declaration of Peter D. Karabinis Under 37 C.F.R. §1.132" which provides the requisite showing. Accordingly, Applicant respectfully requests withdrawal of the rejection under 35 USC §102(e). Applicant wishes to note that the Declaration is being provided because Karabinis et al. is simply not prior art under U.S. law, and Applicant has not conceded that Claims 1, 2, 4, 8, 9, 11, 15, 16, 18, 22, 23, 25, 29, 30, 32, 36, 37, 39 or 43-54 are unpatentable over Karabinis et al.

In view of the above, all of the claims are now in condition for allowance, which is respectfully requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (919) 854-1400.

Respectfully submitted,



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